

TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
CHAPTER 10. PRACTICE AND PROCEDURE
RULE IMPACT STATEMENT FOR EMERGENCY RULES

A. Brief description of the purpose of the rules:

These rules are rules of practice and procedure, both informal and formal, to govern all workers' compensation proceedings coming before the Commission for disposition pursuant to the Administrative Workers' Compensation Act (AWCA). The rules govern all proceedings before the Commission, the Commissioners, any Commission Administrative Law Judge, the Executive Director, or other officer or employee of the Commission, regarding and related to a work injury, occupational disease or illness, or death, occurring on and after February 1, 2014, as provided in the AWCA.

B. Description of classes of persons who will be affected by the proposed rules:

The classes of persons to be affected by the proposed rules are workers' compensation system participants, including employees, employers, insurance carriers, attorneys and healthcare professionals who are subject to the Administrative Workers' Compensation Act.

C. Description of the classes of persons who will benefit from the proposed rules:

The classes of persons who will benefit are employees, employers, insurance carriers, healthcare professionals and attorneys who practice in the area of workers' compensation.

D. Description of the probable economic impact of the proposed rules:

A positive economic impact will result from efficient handling of proceedings coming before the Oklahoma Workers' Compensation Commission. The fees authorized by statute set forth in the proposed rules are as follows:

- (a) A fee of One Thousand Dollars (\$1,000.00), payable by each carrier writing worker's compensation insurance in this state, upon securing a license to transact business in this state [85A O.S. § 29(A)];
- (b) A fee of One Thousand Dollars (\$1,000.00), payable by each self-insurer at the time it is approved to self-insure its obligations under the AWCA [85A O.S. § 29(B)];
- (c) An annual fee of One Thousand Dollars (\$1,000.00), payable by third-party administrators [85A O.S. § 29(C)];
- (d) A fee of One Hundred Seventy-five Dollars (\$175.00), payable by a party appealing an order or award of an Administrative Law Judge to the Commission en banc [85A O.S. § 78(B)];
- (e) A fee of One Hundred Dollars (\$100.00), for compiling and transmitting a record for appeal of a Commission order to the Oklahoma Supreme Court, payable by the appealing party [85A O.S. § 78(D)];
- (f) A fee of One Hundred Forty Dollars (\$140.00), payable by the party against whom an award becomes final (i.e. the employer or insurance carrier if there is an award of compensation, or the worker if there is a denial or dismissal of a claim for compensation) [85A O.S. § 118(A)]. Ten Dollars (\$10.00) of the fee is payable by the Commission to the credit of the

Attorney General's Workers' Compensation Fraud Unit Revolving Fund;

(g) A fee of One Hundred Thirty Dollars (\$130.00), payable by the worker if the reopen request is to reopen on a change of condition for the worse, or payable by the employer or insurance carrier if the reopen request is to reopen on a change of condition for the better [85A O.S. § 118(B)];

(h) A fee of One Dollar (\$1.00) per page, payable as a copy charge [85A O.S. § 119(A)];

(i) A fee of One Dollar (\$1.00) per search request for prior claims records, not to exceed One Dollar (\$1.00) per claims record of a particular worker [85A O.S. § 120(B)];

(j) A fee of Forty-five Dollars (\$45.00), plus postage, for a Commission handbook [85A O.S. § 20(B)];

E. Description of probable costs and benefits to the agency:

There are no probable costs associated with implementing these new rules.

F. Determination of economic impact on political subdivisions:

The proposed rules will not have an economic impact on political subdivisions or require their cooperation in implementing or enforcing the rules.

G. Determination of adverse economic impact on small business:

The proposed rules will not have an adverse effect on small businesses as provided by the Oklahoma Small Business Regulatory Flexibility Act.

H. Explanation of measures to minimize compliance costs:

The proposed rules will not increase compliance costs. There are no less costly or non-regulatory methods or less intrusive methods.

I. Determination of effect on public health, safety and environment:

There will be no effect on the public health, safety and environment.

J. Determination of any detrimental effect on public health, safety and environment:

There is no detrimental effect on the public health, safety and environment from the non-implementation of these rules.

K. Date of Impact Statement Preparation: January 16, 2015.